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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,835	11/13/2003	Toshikazu Morisawa	04329.3176	7845
22852	7590	04/21/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				CONNOLLY, MARK A
ART UNIT		PAPER NUMBER		
		2115		

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/705,835	MORISAWA, TOSHIKAZU
	Examiner	Art Unit
	Mark Connolly	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03 3/04 4/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 have been presented for examination.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “unit” limitations from claims 1, 7, 15 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 4, 6, 10 and 12 are objected to because of the following informalities: It is unclear what is meant by “driv[ing] at a second speed *later* than the first speed.” Appropriate correction is required. For examination purposes, the term “later” is interpreted as “slower.”

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugahara et al [Sugahara] US Pat No 6408395.

6. Referring to claim 1, Sugahara teaches the apparatus comprising:

a. an operating mode setting unit configured to set the operation modes [col. 5 lines 43-48].

b. a time setting unit configured to set time information for carrying out each operation mode [col. 12 lines 46-50]. In particular, Sugahara teaches managing the setting and management of the power save modes. It is therefore interpreted that the server comprises a time setting unit for setting times associated with the different operation modes. This interpretation is further apparent in fig. 11 wherein the different clients set different operating modes at different times. This leads to the interpretation that the scheduling of the different operation modes are not static and that different operation modes are set in accordance with a time deemed to be appropriate.

c. a control unit configured to carry out an operation mode changeover in accordance with the time set by the time setting unit [col. 5 lines 60-63].

7. Referring to claim 7, this is rejected on the same basis as set forth hereinabove.

Furthermore, Sugahara teaches selecting one of a plurality of power saving modes to execute in accordance with a scheduled time [col. 5 lines 43-48 and col. 11 lines 53-62].

8. Referring to claims 13-16, these are rejected on the same basis as set forth hereinabove.

Sugahara teaches the apparatus and therefore teaches the method performed by the apparatus and program implanting the functionality of the apparatus.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1, 7 and 13-16 above, and further in view of Microsoft, Use Power Schemes for the Tablet PC.

11. Referring to claims 2, 3, 8 and 9, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been

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obvious to one of ordinary skill in the art to adjust the time periods between turning off a monitor and hard disk during a power save mode because Microsoft teaches that this will optimize power performance within the computer system [page 1].

12. Claims 4, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1, 7 and 13-16 above, and further in view of Nakai US Pat No. 6928567.

13. Referring to claims 4, 6, 10 and 12, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to reducing a disk rotation speed during a power save mode so that power consumption can be minimized.

14. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1, 7 and 13-16 above, and further in view of Yamanaka et al¹ [Yamanaka] JAP Pub. No. 11-110085.

15. Referring to claims 5 and 11, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Yamanaka explicitly teaches that power can be conserved by throttling a processor speed rather than running a processor fan [abstract]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of

¹ Although cited by applicant, translation was provided by examiner.

ordinary skill in the art to cool a processor via fan during times where power saving is not a concern in order to allow the processor to operate "normally" and throttling a processor speed rather than running a processor fan during times when the system is scheduled to enter a power save mode so that power consumption can be minimized.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115

mc
March 28, 2006


SUPERVISORY PATENT EXAMINER
TECHNICAL DIVISION ELEVEN
EPO